

1 examination, and then something similar to the clause you
2 have for examination during trial.

3 DELEGATE ADKINS: I must admit I am at a loss to
4 see the point the Chair is making, but I am sure it is
5 valid, so I will withdraw the amendment until I can
6 reconsider it.

7 THE CHAIRMAN: Not necessarily. The Chair's
8 interpretation was that the clause as amended would read,
9 to be confronted with the witnesses against him, and --
10 I'm sorry, to be confronted with and to examine under oath
11 or affirmation the witnesses against him; and since the
12 confrontation clause has always been construed to mean in
13 trial, I suggest to you that the examination under oath
14 would likewise be limited to examination in trial.

15 DELEGATE ADKINS: Without intending a lengthy
16 debate, would it not follow from this clause that if the
17 pre-trial deposition were offered at the trial, it would not
18 be admissible unless at the time it were taken the witness
19 had been subject to cross-examination?

20 THE CHAIRMAN: I think that is true without the
21 amendment: The confrontation clause protects --